

**Minutes of the Regular Meeting Of The
New Jersey Maritime Pilot and Docking Commission
May 19, 2015**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, May 19, 2015 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Stapleton called the meeting to order at 10:02 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (via teleconference); Commissioner Jacob Shisha (present); Commissioner Charles E. Stapleton (present); Commissioner Charles Wowkanech (absent).

Approval of the April 21, 2015 Meeting Minutes

A motion was made by Commissioner Dacey and seconded by Commissioner McEwing to approve the minutes of the April 21, 2015 meeting minutes. All voted in favor.

Resolution #15-14 to approve the May 2015 Treasurers Report

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to pass Resolution #15-14 to approve the May 2015 Treasurers Report. All voted in favor.

Executive Director Report

- A. Docking Pilot Apprentice Selection Committee - The committee will interview three candidates from the six applications they received. One is scheduled following today's board meeting, and the other two will be interviewed on May 28th.

The Commission will appoint someone from the current list at today's meeting. Of the seven names on the current list, two were put back on the list after failing to meet the requirements of their respective training programs. Ms. Stuckey confirmed that each person was sent a letter informing them that the list will expire and that they would need to reapply. A copy of the current list was provided to the Commissioners.

- B. Annual Report - Ms. Stuckey provided the Commissioners with drafts of the Annual Report. She would like each of them to review it and provide edits by close of business on Friday, May 22nd. Ms. Stuckey would like to have a resolution on the June Agenda for the Commission to approve. Once it is approved by the Governor's office and the Commissioners, Ms. Stuckey would like to have it commercially printed for distribution to pilots and legislatures.

Ms. Stuckey also thanked Ms. Montilus for her hard work on formatting the report.

- C. Hudson River Update - Since the Commission's last meeting, no New Jersey licensed pilots have done any transport work on the Hudson River.

Ms. Stuckey informed the Commission that Captain Evans was at today's meeting for his annual appearance and could answer questions they may have regarding Hudson River.

- D. Apprentice Graham Mergenthaler State Licensing Exam - Ms. Stuckey reported that Apprentice Mergenthaler was currently taking his exam. Upon successful completion of the test, he will appear at the Commission's June 16th, 2015 regular meeting to be sworn in. He will join the Sandy Hook rotation board on July 1, 2015.

- E. Staff Meeting with Investigators - A quarterly staff meeting will be held on Tuesday, May 26th via teleconference at 10:00 AM. During this meeting, Ms. Stuckey will provide the investigators with feedback on the work they have done to date and she will also firm up summer schedules. Ms. Stuckey invited the Commissioners to participate, but reminded them that only two commissioners are allowed to participate to comply with the Open Public Meetings Act.

F. Report on Harbor Ops Meeting - Ms. Stuckey provided the Commissioners with copies of the meeting agenda. She highlighted some of the items that were discussed.

Fleet week is scheduled to begin on Wednesday, May 20th at 8am. This year's parade will include six navy vessels and two Coast Guard vessels. Honors will be rendered at Port Hamilton and there will be numerous aerial demonstrations throughout the week.

The first district had a table top exercise on how to reopen the ports in the event of a hurricane during the week of May 4, 2015. The updated plans will be posted on Homeport. Ms. Stuckey will distribute copies once it is posted.

Commander Loeb1 reported that the military has issued a higher force protection status. Although the tri-state area is still currently at MARSEC level 1, more attention is being paid to travelers by searching bags, persons, etc. This will lead to longer waiting lines at the cruise terminal, airports, and train stations. The reason for the higher alert was not given. The NJT Police Department has also released a bulletin informing employees of the higher alert due to threats from the Islamic state of Iraq and Lavant. A copy of the New Jersey Transit's bulletin was provided to the Commissioners.

Four contracts for maintenance dredging will be completed in late September early October. Those areas include the 40ft section of the Newark Bay Channel; the Buttermilk Channel; the Sandy Hook Channel and Flushing Bay. Clean up dredging in the Port Jersey Channel is also slated to begin shortly. The dredging over the water siphons has been cancelled due to NYCDEP concerns. The Army Corp will resubmit the contract for bidding after the old siphons are removed.

The Port Authority reported that the maintenance dredging of 56,000 yards in 15 berths has been completed. There is an additional 40,000 to 50,000 yards to go. They have found that three of the berths in the Newark Channel were highly contaminated with Mercury. Once the surveying is done they will submit a full report.

The Waterfront Advisory Board is scheduling a meeting with the New York Mayor's office to get the Committee up and

running. Captain Andrew McGovern is a member of this committee.

Ed Kelly is a member of the Hydrographic Service Review Panel. They are looking to bring a new product into the port of NY/NJ. It is a remote sensing product that will provide information in addition to what is available from the NOAA database. The company, Weather Flow, will have a presentation at the June Harbor Ops Meeting. The plan is to place the product in areas where there are no sensors. The first sensor will be installed as a test pilot.

On April 30th the Maritime Association was able to arrange for students from the School of Global Commerce to be able to get out on the water. The school is in its second year and is set up for socially and economically challenged children who have to go through a very competitive process to get in.

The Council on Port Performance gave a presentation on their current initiatives. Most of the presentation was geared towards landside programs and improvements. Of interest were some of the statistics that were given. Copies of the full presentation will be distributed. Once it is received, Ms. Stuckey will circulate it to the Commissioners.

Friends of the Hermione gave a PowerPoint presentation on a proposed 4th of July parade. A copy of the presentation was provided to the Commissioners. The parade will include a replica of the Hermione. They are looking for 5 commercial vessels to lead the parade in a wedge format. Recreational vessels are also encouraged to attend to be a part of the parade. They would also like to have an honor guard bringing up the rear. The Committee will use Graves End Bay as the staging area and plan to depart at 11:00 AM. After the parade all participating vessels will be directed to an area where they can anchor to watch the fireworks. They are still waiting on permits so the plans are not finalized. If the parade takes place, Sandy Hook will apply to be one of the escort vessels. Anyone interested in participating can register at the website listed on the last page of the presentation.

- G. Report on James Gillette Retirement Ceremony - Ms. Montilus and Ms. Stuckey attended Captain Gillette's retirement ceremony on May 1st. During his speech, he pointed out the

wonderful relationship he has shared with the New Jersey Maritime Pilot and Docking Pilot Commission and the New York Board of Commissioners of Pilotage and stressed the importance of the sharing of information. He advised that the Coast Guard continue the relationship in the interest of port security.

Ms. Stuckey also had the opportunity to speak with Commander Loeb1 and he will host a meeting of introduction for Ms. Stuckey and the COTP Michael Daye. Ms. Stuckey shared a copy of Captain Gillette's Retirement program with the Commissioners.

- H. Update on Port Liberty Cruise Terminal - At last month's meeting, a concern was brought up about the cruise vessels not having anyone manning the bridge of a docked vessel; so that incoming vessels can communicate and let them know when they are passing. Ms. Stuckey contacted the terminal, and the Port Director Captain Antalis is currently out of the country. He will contact the office when he returns, to schedule a meeting and a tour of the facility.
- I. Trip to Baltimore - Ms. Stuckey has been invited to meet with the Commission and some of the pilots. The trip has been postponed due to the recent issues there. Ms. Stuckey is looking to reschedule for some time in June when Ms. Montilus returns from her vacation.
- J. Maritime Association Hall of Fame Dinner - Ms. Stuckey and Ms. Montilus attended the Hall of Fame Dinner on May 13th. The event was well attended. Five people within the maritime community were honored for their significant contributions. Honorees represented international container and vessel operators, terminal operators, stevedore and the Journal of Commerce.

Brian McAllister was given a lifetime achievement award and named the Honorary Commodore of the Port of NY/NJ. During the dinner, Ms. Stuckey had the opportunity to speak briefly with him. She expressed the Commission's desire to be able to work cooperatively with McAllister Towing. Mr. McAllister seemed very receptive so Ms. Stuckey plans to visit their offices in Manhattan in the near future.

Copies of all the honorees bio were provided to the Commissioners.

K. Kinta Vacation Schedule - Ms. Montilus will begin her vacation on Friday, May 29th returning on Wednesday, June 10th. During that time, Ms. Stuckey will spend most of her time in the office clearing up old power loss cases.

Ms. Stuckey will also be out of the office on Friday, May 22, 2015 for a medical appointment. She is planning vacation for July and will report the dates to the Commission at the June Meeting.

L. Future dates of interest -

Captain of the Port Change of Command ceremony will take place on July 17, 2015 at 10:00 AM at the U.S. Customs House. It will be a joint ceremony to include Captain Loebel's retirement ceremony. Ms. Stuckey plans to attend.

The IMO is looking to update circular #10-14 the policy on Fatigue & Guidance. There will be a meeting at MITAGs in Baltimore on July 15th - 16th to begin the process. Ms. Stuckey plans to attend at least one day.

Honoring of Retired Pilot - Captain Thomas G. Britton

Captain Thomas Britton was honored by the Commission for his years of service as a Maritime Pilot. He was presented with a plaque by Commissioner Stapleton.

Captain Britton thanked the Commission and shared a few words on his experiences working as a pilot.

Resolution #15-12 Honoring Ms. Janet Hellman

Janet Hellman was honored by the Commission for her years of assistance and hard work to the Commission. She was presented with a plaque by Commissioner Stapleton.

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to pass Resolution #15-12 to honor Ms. Janet Hellman. All voted in favor.

Resolution #15-17 to Adopt an Operating Budget for Fiscal Year 2016

Commissioner Dacey pointed out that in addition to the joint training grant request received from Metro Pilots and Harbor Pilots Association there was a request in their meeting files from Sandy Hook. Ms. Stuckey advised that the request was received after the agenda was distributed; however, she advised that the Commission address both at today's meeting. She

explained the program the grants would cover and recommended that the Commission approve both. Each grant would be for \$10,500 and be paid from the FY15 budget. Based on Ms. Stuckey's recommendation, Commissioner Dacey pointed out that the training budget line should be increased for FY16 from \$10,500 to \$23,000.

Commissioner Stapleton noted the increase in Annual Memberships, Travel, Special Events and Investigations and applauded Ms. Stuckey's understanding of her responsibilities to the mission and goals of the Commission.

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to pass Resolution #15-17 to adopt an operating budget as amended for Fiscal Year 2016. All voted in favor.

Resolution #15-18 to Appoint a Docking Pilot Apprentice -
Adam Richardson

A motion was made by Commissioner Dacey and seconded by Commissioner McEwing to pass Resolution #15-18 to appoint a Docking Pilot Apprentice Adam Richardson into Interports Apprentice Training program. All voted in favor.

Mr. Richardson will appear at the Commission's June 16, 2015 regular meeting for appointment.

Public Comment(s)

Comment from Captain Richard Schoenlank, President Sandy Hook Pilots Association:

Captain Schoenlank congratulated Captain Britton. He pointed out that he started his apprenticeship shortly after Captain Britton started his.

Captain Schoenlank also congratulated Ms. Hellman. She was with Sandy Hook Pilots Association for 33 years and has served 14 presidents in her tenure.

The MTSRU tabletop exercise will take place on July 9th, 2015. Ms. Stuckey is invited to attend as observer.

There is a New York State Power Cable issue called Champlain Hudson Power Express (CHPE). It is a transmission cable that extends from Canada, Hudson River, South Albany, and

North of New York City. Harbor Ops Committee is already involved.

Sandy Hook has voiced their concerns that the anchorages may react negatively with the cable. The Army Corp and the State of New York are involved.

Originally it was supposed to be 15 feet below, but recently it was approved to be 7 feet below the channel. At least three New Jersey pilots work within the area, Captain Ireland, Captain Evans, and Captain Tribus.

Captain Schoenlank stated that NY plans to submit comments to the Army Corp.

Commissioner Stapleton asked Captain Schoenlank what depth he would suggest.

Captain Schoenlank stated that everyone was okay with the 15 ft. depth and that all the environmental groups have also voiced their concerns.

Ms. Stuckey will sit down with the NY Executive Director Frank Keane to discuss the issue and submit comments on behalf of the New Jersey Commission.

Comment from Captain Robert Flannery, Jr., President Sandy Hook Pilots Association:

There were recently two incidents with tugs and tows that pulled up cables.

Metro voted to take on Captain Scott Esposito, once he is released. It will probably take a month or two, but it is up to Moran.

A liner has come and expressed concern and opinion on large ships coming to the Global Terminal. Under certain conditions, they will take the job. Captain Flannery will keep the Commission updated.

Committee Report

A. Investigation Committee:

- I. **CSAV Loncomilla** - May 16, 2014. Investigator Mark Clark provided the commission with a summary of the incident and his report. Ms. Stuckey recommended that the Commission find no fault on the part of Captain Ellis and the file closed.

Commissioner Dacey requested the date be updated from May 27, 2014 to April 27, 2014 in the Accident Description.

Commissioner Shisha mentioned that the name of tugs were not included on the report. Captain Clark stated that it was not included on the pilots report. Ms. Stuckey informed the Commission that all pilots were reminded to fully complete the occurrence report forms.

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.

- II. **STI Beryl** - June 14, 2014. This incident is still under investigation.
- III. **Hangin Newport** - October 4, 2014. This incident is still under investigation.
- IV. **Maersk Chicago** - October 21, 2014. This incident is still under investigation.
- V. **Hanjin Rio DeJanerio** - November 1, 2014. On behalf of Investigator Glenn Strathearn, Ms. Stuckey provided the commission with a summary of the incident and his report. Ms. Stuckey recommended that the Commission find no fault on the parts of Captain Reinbold and Captain Quinn, and the file closed.
A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.
- VI. **Rainbow Quest** - November 7, 2014. Investigator Mark Clark provided the commission with a summary of the incident and his report. Ms. Stuckey recommended that the Commission find no fault on the part of Captain Hershey and the file closed. A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.
- VII. **Hyundai Glory** - December 5, 2014. This incident is still under investigation.
- VIII. **Genuine Ace** - December 9, 2014. This incident is still under investigation.
- IX. **Stolt Jade** - January 8, 2015. This incident is still under investigation.
- X. **OOCL Vancouver** - February 7, 2015. This incident is still under investigation.
- XI. **Singapore Express** - February 25, 2015. This incident is still under investigation.
- XII. **KN Forest** - March 9, 2015. (Executive Session) This incident is still under investigation.

XIII. Axel Maersk - March 28, 2015. This incident is still under investigation.

Ms. Stuckey stated that the backlog of occurrences have been cleared up, with the exception of the power losses. She has been in touch with one of the surveyors. He has agreed to meet with her. Ms. Stuckey hopes to have the power cases closed by the June Meeting.

New Business

A. Training Grant Request from Metro Pilots/Harbor Pilots Associates and Sandy Hook Pilot Association

Ms. Stuckey recommended that the Commission approve both grant requests. Each of the grants will cost \$10,500 and would be funded out of the Commission's FY15 Budget.

A motion was made by Commissioner Dacey and seconded by Commissioner McEwing to approve the two training grants. All voted in favor.

Executive Session

WHEREAS, the Open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking Pilot Commission may meet in closed session to discuss legal and personnel matters, and

WHEREAS, the Commission desires to meet in closed session to discuss such matters.

NOW THEREFORE, be it resolved that the Commission shall at this time meet in closed session to discuss such matters the substance of the closed session would be disclosed publicly only if it would not warrant an invasion of privacy or constitute a breach of the attorney client privilege.

A motion was made by Commissioner Dacey and seconded by Commissioner McEwing that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 11:00 AM.

Return to Public Session

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 12:10 PM.

Resolution #15-15 to Approve the Request to Upgrade Maritime
Pilot - Captain Leonard M. Evans

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to approve the Resolution #15-15 to upgrade Captain Leonard M. Evans.

All voted in favor.

Opinion & Order in the Matter of Captain Steven Brown

The Opinion & Order in the Matter of Captain Steven Brown was tabled until the June Board Meeting.

Adjournment

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha that the meeting be adjourned. All voted in favor.

The meeting was adjourned at 12:12 PM.